

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

September 6, 2012

The Marlboro Township Council held its regularly scheduled meeting on September 6, 2012 at 7:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Cantor opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of the regularly scheduled meetings of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on January 9, 2012; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building, filed in the office of the Municipal Clerk and placed on the township website and Channel 77.

The Clerk called the Roll.

PRESENT: Councilman LaRocca, Councilwoman Marder, Councilwoman Mazzola, and Council President Cantor. Council Vice President Metzger arrived at 7:40 PM.

Also present were: Mayor Jonathan L. Hornik, Louis N. Rainone, Esq., Business Administrator Jonathan Capp, Municipal Clerk Alida Manco and Deputy Municipal Clerk Deborah Usalowicz.

Councilwoman Mazzola moved that the minutes of August 9, 2012 be approved. This was seconded by Councilwoman Marder and passed on a roll call vote of 4 - 0 in favor (Absent: Metzger).

Council President Cantor opened the Public Hearing on Ordinance 2012-21 (Amend Chapter 220 - Billboards). After the Public Hearing was held and closed, the following Resolution #2012-299/Ordinance #2012-21 was introduced by reference, offered by Councilman LaRocca, seconded by Councilwoman Marder and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-299

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2012-21

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 220,
"LAND USE AND DEVELOPMENT", SECTION 220-99(B)(14) "BILLBOARDS

which was introduced on August 9, 2012, public hearing held
September 6, 2012, be adopted on second and final reading this
6th day of September, 2012.

BE IT FURTHER RESOLVED that notice of the adoption of
this ordinance shall be advertised according to law.

Council President Cantor opened the Public Hearing on Ordinance
#2012-22 (Amend Chapter 220 - Increasing Permissible Lot Coverage
in R-40 zones to 20%). As there was no one who wished to speak,
the Public Hearing was closed. The following Resolution #2012-
300/ Ordinance #2012-22 was introduced by reference, offered by
Councilwoman Marder, seconded by Councilman LaRocca and passed on
a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-300

BE IT RESOLVED by the Township Council of the Township
of Marlboro that an Ordinance entitled:

ORDINANCE # 2012-22

AN ORDINANCE AMENDING AND SUPPLEMENTING THE LAND USE AND
DEVELOPMENT ORDINANCE TO INCREASE THE PERMISSIBLE LOT COVERAGE
IN THE VARIOUS R-40 ZONES TO TWENTY PER CENT BY AMENDING CHAPTER
220 ATTACHMENT 11 TABLE III ENTITLED "LOT AND BUILDING COVERAGE
STANDARDS" AND SECTIONS 220-49(C), 220-52(B)(2) AND 220-53(C)(2)
OF THE CODE OF THE TOWNSHIP OF MARLBORO

which was introduced on August 9, 2012, public hearing held
September 6, 2012, be adopted on second and final reading this
6th day of September, 2012.

BE IT FURTHER RESOLVED that notice of the adoption of
this ordinance shall be advertised according to law.

The following Resolution #2012-285 (Consenting to Establishment
of a Cemetery at 340 Spring Valley Road) was introduced by
reference, offered by Councilman LaRocca, seconded by Council
Vice President Metzger and passed on a roll call vote of 5 - 0
in favor.

RESOLUTION # 2012-285

A RESOLUTION CONSENTING TO THE ESTABLISHMENT OF A CEMETERY
ON THE SITE LOCATED ON BLOCK 146, LOT 48, 340 SPRING VALLEY ROAD,
TOWNSHIP OF MARLBORO, MONMOUTH COUNTY, NEW JERSEY

WHEREAS, TIBA ASSOCIATES, LLC, was granted Bifurcated Use Variance approval by the Zoning Board of Adjustment by Resolution dated May 1, 2012 memorializing the Board of Adjustment's action at the April 17, 2012 meeting granting use variance approval to permit the development of a cemetery and associated improvements on the property located at 340 Spring Valley Road which is also identified as Block 146 Lot 48 on the official Tax Map of the Township of Marlboro; and

WHEREAS, the New Jersey Cemetery Act, NJSA 45:27-1, et seq., requires that a municipality consent to the establishment or enlargement of a cemetery by Resolution of the governing body; and

WHEREAS, NJSA 45:27-25 limits the number of cemeteries to no more than five (5) in one municipality and not more than three (3) per cent of the area of the municipality shall be devoted to cemetery purposes, but also provides that these limitations may be waived by the governing body if it finds that there is a public need for additional cemetery lands and that it is in the public interest to waive these limitations.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, that it hereby grants its consent to Tiba Associates, LLC to establish and develop a cemetery and associated improvements on the property located are 340 Spring Valley Road also identified as Block 146 Lot 48 on the Official Tax Map of the Township of Marlboro.

BE IT FURTHER RESOLVED, that the Township Council finds that the limitations of NJSA 45:27-25 limiting the number of cemeteries to five (5) in one municipality and not more than three (3) per cent of the area of the municipality being devoted to cemetery purposes can be waived as there is a public need for additional cemetery lands and that it is in the public interest to waive these limitations.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Tiba Associates, LLC
- b. Salvatore Alfieri, Esq.
- c. Township Business Administrator
- d. Township Engineer
- e. Township Chief Financial Officer

Councilwoman Marder recused herself and left the room. The following Resolution #2012-293 (Authorizing Contract Amendment Ethics Board Counsel) was introduced by reference, offered by Councilman LaRocca, seconded by Council Vice President Metzger and passed on a roll call vote of 3 - 0 in favor, with Councilwoman Mazzola abstaining (Absent: Marder).

RESOLUTION # 2012-293

RESOLUTION AMENDING A PROFESSIONAL SERVICES
CONTRACT WITH KENNETH BIEDZYNSKI, ESQ. OF THE FIRM
OF GOLDZWEIG, GREEN, EIGER & BIEDZYNSKI, LLC FOR
ETHICS BOARD COUNSEL SERVICES FOR THE TOWNSHIP
OF MARLBORO FOR THE YEAR 2012

WHEREAS, the Township requires the services of an attorney to serve as Counsel to the Ethics Board; and

WHEREAS, such services are to be performed and rendered by a person or persons licensed and authorized to practice law in the State of New Jersey and, accordingly, constitute professional services exempt from public bidding pursuant to the Local Public Contracts Law, specifically N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, the Township Council approved R.2012-085 which authorized an amendment to the Professional Services contract with Kenneth Biedzynski, Esq. of Goldzweig, Green, Eiger & Biedzynski, LLC. to provide legal counsel services to the Ethics Board in the amount of \$2,500.00; and

WHEREAS, the Ethics Board has issued its findings with respect to Complaint 0001-2011 and the Township is in receipt of bills for legal services pertaining to this matter in the amount of \$11,187.00; and

WHEREAS, the Township of Marlboro and GOLDZWEIG, GREEN, EIGER & BIEDZYNSKI, LLC have previously entered into a Professional Services Contract, awarded under a fair and open process, and seeks to amend such Contract to expand the scope of services to include the Professional Services (as defined hereinabove) for the services described above for an additional amount not to exceed \$8,687.00 for such Professional Services, at rates set forth in GOLDZWEIG, GREEN, EIGER & BIEDZYNSKI, LLC's Proposal, attached hereto and made a part hereof; and

WHEREAS, the value of the Professional Services Contract will exceed \$17,500.00 in the aggregate; and

WHEREAS, funds have been certified by the Chief Financial Officer for this purpose in Account # 2-01-050-226 for the amount of \$8,687.00; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the Township of Marlboro to amend its contract with GOLDZWEIG, GREEN, EIGER & BIEDZYNSKI, LLC to provide the required additional Professional Services in accordance with the rates set forth in the December 8, 2011 Proposal; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

WHEREAS, GOLDZWEIG, GREEN, EIGER & BIEDZYNSKI, LLC has previously completed and submitted a Business Entity Disclosure Certificate certifying that GOLDZWEIG, GREEN, EIGER & BIEDZYNSKI, LLC has not made any reportable contributions that would bar the award of a contract pursuant to Marlboro Township Code Chapter 18 or N.J.S.A. 19:44A-20.5, and that no reportable contributions that would violate the law will be made during the term of the contract.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a Professional Services Contract between GOLDZWEIG, GREEN, EIGER & BIEDZYNSKI, LLC and the Township of Marlboro, to expand the scope of services to include Ethics Board Counsel, at an additional fee not to exceed \$8,687.00 for such Professional Services, at rates set forth in the Proposal dated December 8, 2011 ("Proposal"), be and is hereby authorized; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Clerk to witness, in a form legally acceptable to the Township Attorney, the Professional Services Contract described herein; and

BE IT FURTHER RESOLVED, that the Business Entity Disclosure Certification shall be placed on file with this Resolution; and

BE IT FURTHER RESOLVED, that a copy of the Professional Services Contract and this Resolution shall be available for public inspection in the office of the Municipal Clerk; and

BE IT FURTHER RESOLVED, notice of award of the Professional Services Contract shall be published pursuant to law, and a certified copy of this Resolution shall be provided to each of the following:

- a. Goldzweig, Green, Eiger & Biedzynski, LLC
- b. Township Chief Financial Officer
- c. Township Ethics Board
- d. Township Administrator

The following Resolution #2012-301 (Liquor License Renewal - Modern Star, LLC) was introduced by reference, offered by Council Vice President Metzger, seconded by Councilwoman Mazzola and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-301

BE IT RESOLVED by the Township Council of the Township of Marlboro that the following Liquor License be and it is hereby renewed for the period beginning July 1, 2012 through June 30, 2013.

Modern Star LLC
(Pocket License)

1328 33 020 001

The following Resolution #2012-302 (Authorizing Engineering Services Tree Conservation Plan) was introduced by reference, offered by Councilwoman Marder, seconded by Council Vice President Metzger and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-302

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE
PROFESSIONAL SERVICES CONTRACT BETWEEN CME ASSOCIATES
AND THE TOWNSHIP OF MARLBORO FOR PROFESSIONAL SERVICES
IN CONNECTION WITH THE PREPARATION OF THE SECOND
FIVE YEAR COMMUNITY FORESTRY MANAGEMENT PLAN

WHEREAS, the Township recognizes the importance of promoting a sustainable and productive forest and shade tree resource that will improve the quality of life for the residents of Marlboro; and

WHEREAS, a Community Forestry Management plan is needed to guide the Shade Tree Committee in maintaining and improving Marlboro's community forest; and

WHEREAS, the Township has received a grant from the New Jersey Department of Environmental Protection, Division of

Forestry in order to prepare the second five year community forestry plan ("project"); and

WHEREAS, CME Associates has provided a proposal dated August 7, 2012 (the "Proposal") for such Professional Services in connection with the Project with a not to exceed amount of \$5,200.00; and

WHEREAS, CME Associates has agreed to perform the work necessary within the funds budgeted and available for an amount to exceed \$3,000.00; and

WHEREAS, the Township of Marlboro and CME Associates have entered into a Professional Services Contract, awarded under a fair and open process, and seeks to amend such Contract to expand the scope of services to include the Professional Services (as defined hereinabove) for the Project at a fee not to exceed \$3,000.00 for such Professional Services, as further described and set forth in CME's Proposal, attached hereto and made a part hereof; and

WHEREAS, the value of the Professional Services Contract will exceed \$17,500.00 in the aggregate; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose from Account # G-07-41-208-001; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the Township of Marlboro to amend its contract with CME Associates to provide the required additional Professional Services for the Project in accordance with the Proposal; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

WHEREAS, CME has previously completed and submitted a Business Entity Disclosure Certificate certifying that CME Associates has not made any reportable contributions that would bar the award of a contract pursuant to Marlboro Township Code

Chapter 18 or N.J.S.A. 19:44A-20.5, and that no reportable contributions that would violate the law will be made during the term of the contract.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a Professional Services Contract between CME Associates and the Township of Marlboro, to expand the scope of services to include professional services by way of its Township Planner and Engineer for the PREPARATION OF THE SECOND FIVE YEAR COMMUNITY FORESTRY PLAN ("Professional Services"), at a fee not to exceed \$3,000.00 for such Professional Services, as further described and set forth in CME's Proposal dated August 7, 2012 ("Proposal"), be and is hereby authorized; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Clerk to witness, in a form legally acceptable to the Township Attorney, the Professional Services Contract described herein; and

BE IT FURTHER RESOLVED, that this Professional Services Contract is awarded without competitive bidding pursuant to N.J.S.A. 40A:11-5(1)(a)(i) and shall provide for compensation in an amount not to exceed \$3,000.00 for such additional Professional Services for the Project as described in the Proposal; and

BE IT FURTHER RESOLVED, that the Business Entity Disclosure Certification shall be placed on file with this Resolution; and

BE IT FURTHER RESOLVED, that a copy of the Professional Services Contract and this Resolution shall be available for public inspection in the office of the Municipal Clerk; and

BE IT FURTHER RESOLVED, notice of award of the Professional Services Contract shall be published pursuant to law, and a certified copy of this Resolution shall be provided to each of the following:

- a. CME Associates, 1460 Route 9 South, Howell, NJ 07731
- b. Business Administrator
- c. Township Chief Financial Officer

The following Resolution #2012-303 (Authorizing Engineering Services - Sustainable Element Master Plan) was introduced by reference, offered by Councilwoman Marder, seconded by Council Vice President Metzger and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-303

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE
PROFESSIONAL SERVICES CONTRACT BETWEEN CME ASSOCIATES
AND THE TOWNSHIP OF MARLBORO FOR PROFESSIONAL
PLANNING SERVICES IN CONNECTION WITH THE PREPARATION
OF THE SUSTAINABLE ELEMENT OF THE MASTER PLAN

WHEREAS, the Township recognizes the importance of sustainability in land use and resource planning; and

WHEREAS, the Township wishes to encourage and promote the efficient use of natural resources through the Master Plan; and

WHEREAS, the Township has received a grant from ANJEC, the Association of NJ Environmental Commissions which provides financial assistance for long range land use planning; and

WHEREAS, CME Associates has provided a proposal dated March 19, 2012 (the "Proposal") for such Professional Services in connection with the Project with a not to exceed amount of \$6,000.00; and

WHEREAS, CME Associates has agreed to perform the work necessary within the funds budgeted and available for an amount to exceed \$4,500.00; and

WHEREAS, the Township of Marlboro and CME Associates have entered into a Professional Services Contract, awarded under a fair and open process, and seeks to amend such Contract to expand the scope of services to include the Professional Services (as defined hereinabove) for the Project at a fee not to exceed \$4,500.00 for such Professional Services, as further described and set forth in CME's Proposal, attached hereto and made a part hereof; and

WHEREAS, the value of the Professional Services Contract will exceed \$17,500.00 in the aggregate; and

WHEREAS, the Chief Financial Officer has certified that funds in the amount of \$1,500.00 are available for this purpose from Account G-07-41-815-399; and

WHEREAS, a grant from ANJEC has been received for \$3,000.00 towards this project which will be certified as available for this purpose in the assigned grant account upon the amendment of the 2012 budget; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the Township of Marlboro to amend its contract with CME Associates to provide the required additional

Professional Services for the Project in accordance with the Proposal; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

WHEREAS, CME has previously completed and submitted a Business Entity Disclosure Certificate certifying that CME Associates has not made any reportable contributions that would bar the award of a contract pursuant to Marlboro Township Code Chapter 18 or N.J.S.A. 19:44A-20.5, and that no reportable contributions that would violate the law will be made during the term of the contract.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a Professional Services Contract between CME Associates and the Township of Marlboro, to expand the scope of services to include professional planning services by way of its Township Planners for the PREPARATION OF THE SUSTAINABLE ELEMENT OF THE MASTER PLAN ("Professional Services"), at a fee not to exceed \$4,500.00 for such Professional Services, as further described and set forth in CME's Proposal dated March 19, 2012 ("Proposal"), be and is hereby authorized; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Clerk to witness, in a form legally acceptable to the Township Attorney, the Professional Services Contract described herein; and

BE IT FURTHER RESOLVED, that this Professional Services Contract is awarded without competitive bidding pursuant to N.J.S.A. 40A:11-5(1)(a)(i) and shall provide for compensation in an amount not to exceed \$4,500.00 for such additional Professional Services for the Project as described in the Proposal; and

BE IT FURTHER RESOLVED, that the Business Entity Disclosure Certification shall be placed on file with this Resolution; and

BE IT FURTHER RESOLVED, that a copy of the Professional Services Contract and this Resolution shall be available for public inspection in the office of the Municipal Clerk; and

BE IT FURTHER RESOLVED, notice of award of the Professional Services Contract shall be published pursuant to law, and a certified copy of this Resolution shall be provided to each of the following:

- a. CME Associates, 1460 Route 9 South, Howell, NJ 07731
- b. Business Administrator
- c. Township Chief Financial Officer

As the consent agenda, the following resolutions were introduced by reference, offered by Council Vice President Metzger, seconded by Councilwoman Mazzola, and as there was no objection, the Clerk was asked to cast one ballot: Res. #2012-304 (Opposing "Commuter Tax"), Res. #2012-305 (Authorizing Final Change Order, Acceptance and Close out of Contract Improvements to Texas Road Sidewalks), Res. #2012-306 (Award of Bid - Type 13 Bulky Waste), Res. #2012-307 (Award of State Contract Pickup Truck 92012 Capital 120-2), Res. #2012-308 (Approving 2011 Corrective Action Plan), Res. #2012-309 (Award of State Contract for Police Ammunition), Res. #2012-310 (Authorizing Discharge of Mortgage Affordable Housing Unit - 821 Mariposa), Res. #2012-311 (Authorizing Amendment EECBG Grant Reporting/Final Closeout - Birdsall), Res. #2012-312 (Authorizing Change Order Emergency Water Main Repairs), Res. #2012-313 (Supporting Speed Limit Reduction Route 79 between Pleasant Valley Road & Ridge Road - 50 - 45), Res. #2012-314 (Authorizing Change Order Electrical Services Contract), Res. #2012-315 (Amendment State Contract - Auto Parts), Res. #2012-316 (Amendment Mon. County Co-op Purchasing Program - Auto Parts), Res. #2012-317 (Authorizing Application Highway Safety/Safe Corridors 2012), Res. #2012-318 (Chapter 159 - Item of Revenue - 2012 Sustainable Land Use Planning Grant), Res. #2012-319 (Authorizing State Contract Replacement of Fuel Dispensing System), Res. #2012-320 (Redemption Tax Sale Certs. - Various), Res. #2012-321 (2011 Added Assessment - Mon. Worship Center), Res. #2012-322 (Authorize Water Installment Payment Agreement - Magid), Res. #2012-323 (Authorize Water Installment Payment Agreement - Mitwally).

RESOLUTION # 2012-304

A RESOLUTION OPPOSING THE PROPOSED "COMMUTER TAX"
ON NEW JERSEY RESIDENTS WHO WORK IN NEW YORK CITY

WHEREAS, the Township of Marlboro, in the County of Monmouth is in receipt of information regarding a proposed

Commuter Tax on anyone who works in New York City, but does not reside in New York City; and

WHEREAS, the Township of Marlboro understands that many residents of the Township of Marlboro are commuters who travel to New York City for work every day and they would be adversely affected financially by this proposed Commuter Tax; and

WHEREAS the 301,702 residents of the State of New Jersey who commute daily to New York City for employment would be forced to endure yet another tax during these difficult economic times.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Marlboro strongly opposes the proposed "Commuter Tax" which would be imposed on anyone who works in New York City, but resides elsewhere.

BE IT FURTHER RESOLVED that the Township of Marlboro feels that the proposed "Commuter Tax" would pose an unfair financial burden on residents of the Township of Marlboro and Monmouth County and other Counties through the State of New Jersey and surrounding tri-state area who travel to New York City every day for employment,

BE IT FURTHER RESOLVED that the Township Council of the Township of Marlboro urges Manhattan Borough President Scott Stringer and New York City Mayor Michael Bloomberg to reconsider the imposition of this unfair tax.

BE IT FURTHER RESOLVED that the Clerk forward a certified true copy of this resolution to Manhattan Borough President Scott Stringer, New York City Mayor Michael Bloomberg, New Jersey Governor Chris Christie, New Jersey Lieutenant Governor Kim Guadagno, Senator Joseph M. Kyrillos, Jr., Assemblywoman Amy H. Handlin, Assemblyman Declan J. O'Scanlon, Jr., all State Congressional Legislators representing Monmouth County, the local governing bodies for the municipalities of Monmouth County and the Monmouth County Board of Chosen Freeholders and that they be asked to join in opposition to the proposed Commuter Tax.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to the following:

a. Township Business Administrator

RESOLUTION # 2012-305

A RESOLUTION APPROVING CLOSE OUT CHANGE ORDER TO THE
EXISTING CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO

AND MNC GENERAL CONTRACTING, INC. AND AUTHORIZING FINAL
PAYMENT AND ACCEPTANCE OF TEXAS ROAD SIDEWALK IMPROVEMENTS

WHEREAS, by Resolution #2011-343 the Township of Marlboro authorized the award of a contract to MNC GENERAL CONTRACTING, INC. for Texas Road Sidewalk Improvements (the "Project"); and

WHEREAS, by Resolution #2012-089 the Township of Marlboro authorized approval of Change Order No. 1 resulting in a decrease of the project total amount by \$1,533.65, thereby reducing the contract amount to \$107,467.17; and

WHEREAS, a Closeout Change Order has been requested resulting in an increase in the amended contract amount of \$107,467.17 to \$109,168.67, an increase of \$1,701.50 representing a total net increase to the original contract of \$167.85; and

WHEREAS, in Letter dated August 24, 2012, the Township Engineer has recommended approval of the Closeout Change Order, acceptance of the Project improvements, and issuance of final payment in the amount of \$5,624.64; and

WHEREAS, the Township Council of the Township of Marlboro has reviewed the Township Engineer's August 24, 2012 letter and is amenable to approving Closeout Change Order, accepting the Project improvements and issuing a final payment to MNC GENERAL CONTRACTING, INC. in the amount of \$5,624.64 in order that the Project be completed, such Project being in the interests of the public health, safety and welfare.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that the final Closeout Change Order to the existing contract with MNC GENERAL CONTRACTING, INC., be and is hereby approved, increasing the amended contract amount of \$107,467.17 to \$109,168.67, an increase of \$1,701.50, representing a total net increase to the original contract of \$167.85.

BE IT FURTHER RESOLVED, by the Township Council of the Township of Marlboro, that the Project improvements be and are hereby accepted, and that final payment in the amount of \$5,624.64 for work completed by MNC GENERAL CONTRACTING, INC. is hereby approved.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. MNC GENERAL CONTRACTING, INC.
- b. Business Administrator
- c. Township Engineer

RESOLUTION # 2012-306

A RESOLUTION AWARDING CONTRACT TO FREEHOLD CARTAGE, INC.
FOR DISPOSAL OF TYPE 13 BULKY WASTE FOR THE DEPARTMENT
OF PUBLIC WORKS (DPW) RECYCLING BUREAU

WHEREAS, the Marlboro Township Department of Public Works maintains a Recycling Center where "bulky waste" can be deposited by residents; and

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) defines "Type 13 - Bulky waste" as including "Large items of waste material, such as appliances and furniture"; and

WHEREAS, maintaining the bulky waste facility at the Township Recycling Center requires that the Township contract for the disposal of Type 13 - Bulky Waste; and

WHEREAS, the Township of Marlboro authorized the acceptance of bids for DISPOSAL OF TYPE 13 BULKY WASTE, and on August 14, 2012, received three (3) bids, as follows:

| COMPANY | | BID PRICE PER TON | BID PRICE PER 700 TONS |
|---|-----------------|-------------------------|---------------------------|
| FREEHOLD CARTAGE | Freehold | 76.00 | 53,200.00 |
| MONTECALVO DISPOSAL | Keasbey | 78.00 | 54,600.00 |
| REPUBLIC SERVICES OF NJ dba MARPAL DISPOSAL | Tinton Falls | 78.00 | 54,600.00 |

; and

WHEREAS, the bid submission of the apparent low bidder, FREEHOLD CARTAGE, INC. has been determined to be responsive as detailed in an August 23, 2012 memo transmitted by the Department of Public Works; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Department of Public Works as set forth herein;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be awarded to FREEHOLD CARTAGE, INC. whose address is PO Box 5010, Freehold, NJ 07728 in an amount not to exceed \$53,200.00 for DISPOSAL OF TYPE 13 BULKY WASTE FOR THE DEPARTMENT OF PUBLIC WORKS for the period September 1, 2012 - August 31, 2013, with an option to renew the contract based upon the same terms and conditions as specified in the bid proposal for an additional one

(1) two-year period or two (2) one-year periods at the exclusive option of the Township; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, a contract with FREEHOLD CARTAGE, INC. in accordance with this resolution, the bid specifications, and in a form to be approved by the Township Attorney; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that sufficient funds in the amount of \$21,280.00 are available for the aforesaid contract in 2012 Budget Account 2-01-170-233.

BE IT FURTHER RESOLVED funds in the amount of \$31,920.00 will be made available and certified in 2013 upon adoption of the budget.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. FREEHOLD CARTAGE, INC.
- b. Township Administrator
- c. Director of Public Works

RESOLUTION # 2012-307

A RESOLUTION AUTHORIZING THE PURCHASE OF 2013 GMC SIERRA 2500HD WHEEL DRIVE PICKUP TRUCK WITH SNOW PLOW UNDER STATE CONTRACT # A78847 FROM FLEMINGTON BUICK CHEVROLET PONTIAC GMC LLC FOR THE MARLBORO TOWNSHIP DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro as part of its 2012 capital program (120-2) authorized the replacement of a 1990 pickup truck that has been removed from service for the Department of Public Works; and

WHEREAS, the Township of Marlboro Department of Public Works recommends the purchase of one 2013 GMC SIERRA 2500HD 4 WHEEL DRIVE PICKUP TRUCK WITH SNOW PLOW from FLEMINGTON BUICK CHEVROLET PONTIAC GMC LLC ("FLEMINGTON GMC") under STATE CONTRACT # A78847 for the amount of \$30,707.00; and

WHEREAS, pursuant to N.J.S.A. 40A:11-12, a municipality may, without advertising for bids, purchase goods under any contract for such goods entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to replace the 4 WHEEL DRIVE PICKUP TRUCK WITH SNOW PLOW utilized by the Department of Public Works; and

WHEREAS, funds are available in Account C-04-12-008-968 and have been certified to by the Chief Financial Officer of the Township of Marlboro.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase one 2013 GMC SIERRA 2500HD 4 WHEEL DRIVE PICKUP TRUCK WITH SNOW PLOW from FLEMINGTON BUICK CHEVROLET PONTIAC GMC LLC, Route 202 & 31 SOUTH, PO BOX 487, FLEMINGTON, NJ 08822 under STATE CONTRACT # A78847 for the amount of \$30,707.00; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. FLEMINGTON BUICK CHEVROLET PONTIAC GMC LLC
- b. Township Administrator
- c. Township Dept. of Public Works
- d. Township Chief Financial Officer

RESOLUTION # 2012-308

RESOLUTION APPROVING AND ACCEPTING
CORRECTIVE ACTION PLAN

WHEREAS, the SFY 2011 Annual Audit of the Township of Marlboro, conducted by Wiss & Company, LLP, contained certain recommendations requiring action, and

WHEREAS, these recommendations have been reviewed by the Township's Chief Financial Officer, and

WHEREAS, the Chief Financial Officer, in accordance with the requirements promulgated by the N.J. Division of Local Government Services, has developed a plan to address the recommendations listed by the auditors,

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Marlboro that the Corrective Action Plan for the SFY 2011 Annual Municipal Audit, hereto attached, is approved and accepted, and

BE IT FURTHER RESOLVED that the Township Clerk is hereby directed to transmit a certified copy of this resolution and its attachments to the Division of Local Government Services.

RESOLUTION # 2012-309

RESOLUTION AUTHORIZING AWARD OF STATE CONTRACT #81296
TO EAGLE POINT GUN SHOP FOR THE PURCHASE OF AMMUNITION
FOR THE TOWNSHIP OF MARLBORO POLICE DEPARTMENT

WHEREAS, the Township of Marlboro Police Department is in need of ammunition for qualifications and range training; and

WHEREAS, the Marlboro Police Department has recommended that the Township purchase the ammunition from Eagle Point Gun Shop, 1707 Third Street, Thorofare, New Jersey 08086 under State Contract #81296 in an amount not to exceed \$31,000.00; and

WHEREAS, pursuant to N.J.S.A. 40A:11-12, a municipality may, without advertising for bids, purchase goods under any contract for such goods entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey for the Police Department to obtain the ammunition from Eagle Point Gun Shop; and

WHEREAS, funds are available in Account 2-01-106-262 for an amount not to exceed \$31,000.00 and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Township Council desires to approve the purchase of said ammunition;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase the ammunition from Eagle Point Gun Shop, 1707 Third Street, Thorofare, New Jersey 08086 under State Contract #81296 in an amount not to exceed \$31,000.00; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Eagle Point Gun Shop
- b. Business Administrator
- c. Township Police Department
- d. Township Chief Financial Officer

RESOLUTION # 2012-310

A RESOLUTION OF THE MARLBORO TOWNSHIP TOWN COUNCIL
AUTHORIZING A DISCHARGE OF AN INSTRUMENT KNOWN AS A

"FORM OF MORTGAGE SECURING PAYMENT OF RECAPTURE AMOUNT FOR
A 95/5 UNIT" DATED SEPTEMBER 8, 2006, AND RECORDED
SEPTEMBER 12, 2006, WHICH WAS RECORDED AGAINST A PROPERTY
LOCATED AT 821 MARIPOSA COURT, UNIT 118A, LOT 7,
BLOCK 176, MARLBORO TOWNSHIP, NEW JERSEY

WHEREAS, a residential unit commonly known as 821 Mariposa Court, Unit 118A, Lot 7, Block 176, Marlboro, New Jersey ("the Property"), is an affordable unit located in the Pointe De Jardin condominium complex and its affordability controls are governed by the provisions of New Jersey's Fair Housing Act (N.J.S.A. 52:27D-301 et seq.) and the substantive and procedural rules of the Council on Affordable Housing (N.J.A.C. 5:96-1 and 5:97-1 et seq.); and

WHEREAS, Heather Graves became the record owner of the Property by way of a purchase of same on or about August 29, 2006, for a stated consideration; and

WHEREAS, subsequently Heather Graves executed a "Form Of Mortgage Securing Payment Of Recapture Amount For A 95/5 Unit" on or about September 8, 2006 ("the Mortgage"), in favor of the Department of Community Affairs which is an agency and an instrumentality of the Township of Marlboro; and

WHEREAS, the Mortgage was subsequently recorded in the Monmouth County Clerk's Office on September 12, 2006, in Mortgage Book OR-8593, at Page 8041 et seq.; and

WHEREAS, the Property was then transferred (i.e., sold) to Stacey Miller (the current owner of the Property), by deed from Heather Graves, dated October 26, 2011; and

WHEREAS, despite the sale and transfer of the Property from Heather Graves to Stacey Miller the Mortgage still remains of record; and

WHEREAS, the Mortgage should have been discharged at the time of the deed transfer to Stacey Miller; and

WHEREAS, Stacey Miller continues to own the Property yet the foregoing Mortgage remains a matter of record; and

WHEREAS, the Marlboro Township Council finds that there is good cause for the release of the foregoing Mortgage for the reasons sets forth herein and because of the change in ownership from Heather Graves to Stacey Miller;

NOW THEREFORE BE IT RESOLVED that the Honorable Mayor Jonathan L. Hornik is hereby authorized to sign the attached discharge of the Mortgage as aforesaid;

BE IT FURTHER RESOLVED that subsequent to Mayor Hornik's signature of said discharge of the foregoing Mortgage that it will be recorded in the Monmouth County Clerk's Office;

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to each of the following:

- a. Township Business Administrator, Jonathan Capp;
- b. Thomas P. Howley, Municipal Housing Liaison;
- c. George Cretella, Esq. (Attorney for Stacey Miller); and
- d. Kenneth Biedzynski, Affordable Housing Special Counsel.

RESOLUTION # 2012-311

A RESOLUTION AUTHORIZING AN AMENDMENT TO A PROFESSIONAL SERVICES CONTRACT BETWEEN BIRDSALL SERVICES GROUP AND THE TOWNSHIP OF MARLBORO FOR THE PROVISION OF ENGINEERING SERVICES IN CONNECTION WITH GRANT REPORTING COMPLIANCE REQUIRED BY THE UNITED STATES DEPARTMENT OF ENERGY UNDER THE ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT (EECBG) AWARDED TO THE TOWNSHIP OF MARLBORO

WHEREAS, by Resolutions 2009-457, 2010-070 and 2011-266 the Township of Marlboro authorized and amended a Professional Services contract with Birdsall Services Group for the provision of engineering services in connection with grant reporting compliance required by the United States Department of Energy under the Energy Efficiency and Conservation Block Grant (EECBG) awarded to the Township of Marlboro ("the Project"); and

WHEREAS, the Township requires additional professional engineering services in order to comply with the Program's quarterly and final close out grant reporting requirements; and

WHEREAS, Birdsall Services Group has provided a proposal dated May 9, 2011 (the "Proposal") for such Professional Services in connection with the Project; and

WHEREAS, the Township of Marlboro and Birdsall Services Group have entered into a Professional Services Contract, awarded under a fair and open process, and seeks to amend such Contract to expand the scope of services to include the Professional Services (as defined hereinabove) for the Project at a fee not to exceed \$3,500.00 for such Professional Services, as further described and set forth in Birdsall's Proposal, attached hereto and made a part hereof; and

WHEREAS, the value of the Professional Services Contract will exceed \$17,500.00 in the aggregate; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose from Account # C-04-10-016-999; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the Township of Marlboro to amend its contract with Birdsall Services Group to provide the required additional Professional Services for the Project in accordance with the Proposal; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

WHEREAS, Birdsall has previously completed and submitted a Business Entity Disclosure Certificate certifying that Birdsall Services Group has not made any reportable contributions that would bar the award of a contract pursuant to Marlboro Township Code Chapter 18 or N.J.S.A. 19:44A-20.5, and that no reportable contributions that would violate the law will be made during the term of the contract.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a Professional Services Contract between Birdsall Services Group and the Township of Marlboro, to expand the scope of services to include PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH GRANT REPORTING COMPLIANCE REQUIRED BY THE UNITED STATES DEPARTMENT OF ENERGY UNDER THE ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT (EECBG) AWARDED TO THE TOWNSHIP OF MARLBORO ("Professional Services"), at a fee not to exceed \$3,500.00 for such Professional Services, as further described and set forth in Birdsall's Proposal dated May 9, 2011, be and is hereby authorized; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Clerk to witness, in a form legally acceptable to the Township Attorney, the Professional Services Contract described herein; and

BE IT FURTHER RESOLVED, that this Professional Services Contract is awarded without competitive bidding pursuant to

N.J.S.A. 40A:11-5(1)(a)(i) and shall provide for compensation in an amount not to exceed \$3,500.00 for such additional Professional Services for the Project as described in the Proposal; and

BE IT FURTHER RESOLVED, that the Business Entity Disclosure Certification shall be placed on file with this Resolution; and

BE IT FURTHER RESOLVED, that a copy of the Professional Services Contract and this Resolution shall be available for public inspection in the office of the Municipal Clerk; and

BE IT FURTHER RESOLVED, notice of award of the Professional Services Contract shall be published pursuant to law, and a certified copy of this Resolution shall be provided to each of the following:

- a. Birdsell Services Group, 611 Industrial Way West, Eatontown, NJ 07724
- b. Business Administrator
- c. Township Chief Financial Officer

RESOLUTION # 2012-312

A RESOLUTION AUTHORIZING A CHANGE ORDER TO THE CONTRACT
WITH LUCAS CONSTRUCTION GROUP, INC. FOR THE PROVISION
OF EMERGENCY WATER MAIN REPAIRS FOR THE TOWNSHIP
OF MARLBORO WATER UTILITY DIVISION

WHEREAS, on September 16, 2010, the Township of Marlboro authorized a contract with LUCAS CONSTRUCTION GROUP, INC., the lowest responsible bidder, for THE PROVISION OF EMERGENCY WATER MAIN REPAIRS FOR THE TOWNSHIP OF MARLBORO WATER UTILITY DIVISION; and

WHEREAS, the Director of Public Works has advised that additional EMERGENCY WATER MAIN REPAIRS will be needed prior to the expiration of the contract in an amount which will exceed the existing authorization by approximately \$23,000.00; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a change order to the contract with LUCAS CONSTRUCTION GROUP, INC. whose address is 173 Amboy Road, Morganville, NJ 07751 be authorized in a total amount not to exceed \$23,000.00; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that sufficient funds in the amount of \$23,000.00 are available for the aforesaid change order in X-06-55-903-901; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Lucas Construction Group, Inc.
- b. Business Administrator
- c. Department of Public Works

RESOLUTION # 2012-313

WHEREAS, in response to the concerns of many residents, the Township of Marlboro has requested a speed limit reduction on Route NJ 79 in the area of Pleasant Valley Road from the New Jersey Department of Transportation (NJDOT); and

WHEREAS, NJDOT has recommended that the speed limit along the section of Route NJ 79 between Wyncrest and Ridge Road be reduced from 50 to 45 miles per hour in both directions; and

WHEREAS, in order to legally establish the speed limit, the NJDOT requires a Resolution of Support from the municipal governing body; and

WHEREAS, the Chief of Police has recommended that action be taken to support the recommendation by NJDOT.

NOW, THEREFORE, BE IT RESOLVED that the Municipal Council of the Township of Marlboro hereby expresses its support for the recommendation of the Chief of Police and NJDOT to reduce the speed limit along the section of Route NJ 79 between Wyncrest and Ridge Road from 50 to 45 miles per hour in both directions.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to each of the following:

- a. Michael E. Mihalic, Supervisor, Traffic Investigations
Bureau of Traffic Engineering
New Jersey Department of Transportation (NJDOT)
PO Box 600
Trenton, New Jersey 08625-0600
- b. Chief Bruce Hall

RESOLUTION # 2012-314

A RESOLUTION AUTHORIZING A CHANGE ORDER TO THE CONTRACT WITH LONGO ELECTRICAL-MECHANICAL, INC. FOR THE PROVISION OF ELECTRICAL REPAIR WORK FOR THE TOWNSHIP OF MARLBORO

WHEREAS, on February 16, 2012, the Township of Marlboro authorized a contract with LONGO ELECTRICAL-MECHANICAL, INC., the lowest responsible bidder, for THE PROVISION OF ELECTRICAL REPAIR

WORK FOR THE TOWNSHIP OF MARLBORO through the acceptance of bids;
and

WHEREAS, the Director of Public Works has advised that additional repair work will be needed prior to the expiration of the contract in an amount which will exceed the existing authorization by approximately \$6,302.00; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a change order to the contract with LONGO ELECTRICAL-MECHANICAL, INC. whose address is 1 Harry Shupe Blvd., PO Box 511, Wharton, NJ 07885 be authorized in a total amount not to exceed \$6,302.00; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that sufficient funds in the amount of \$6,302.00 are available for the aforesaid change order in C-04-12-008-965; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. LONGO ELECTRICAL-MECHANICAL, INC.
- b. Business Administrator
- c. Department of Public Works

RESOLUTION # 2012-315

AUTHORIZING AWARD OF STATE CONTRACTS TO VARIOUS VENDORS
FOR PURCHASE OF AUTO AND TRUCK PARTS, GROUNDS
MAINTENANCE EQUIPMENT PARTS, ROAD EQUIPMENT PARTS, AND
HEAVY EQUIPMENT PARTS AND SUPPLIES FOR THE DEPARTMENT
OF PUBLIC WORKS DIVISION OF VEHICLE MAINTENANCE

WHEREAS, the Township of Department of Public Works Division of Vehicle Maintenance is in need of AUTO AND TRUCK PARTS, GROUNDS MAINTENANCE EQUIPMENT PARTS, ROAD EQUIPMENT PARTS, AND HEAVY EQUIPMENT PARTS AND SUPPLIES in order to maintain the Township vehicle fleet; and

WHEREAS, the Township Council previously granted authorization to utilize vendors approved under the State Cooperative Purchasing Program pursuant to R.2012-68 and 2012-264; and

WHEREAS, the Division of Vehicle Maintenance has recommended that the Township purchase AUTO AND TRUCK PARTS, GROUNDS MAINTENANCE EQUIPMENT PARTS, ROAD EQUIPMENT PARTS, AND HEAVY EQUIPMENT PARTS AND SUPPLIES under various State contracts as follows:

| | State Contract ID | Original | Amend | Proposed Amend |
|---------------------------|----------------------|----------|--------|----------------|
| Vendor ID | | 1 | 1 | |
| | 73733 | 20,000. | | 9,500.0 |
| F&C Automotive Supply | 80071 | 00 | | 0 |
| Mid Atlantic Truck Center | 73939 | 6,000.0 | | 2,000.0 |
| | 70792 | 0 | | 0 |
| | | 4,000.0 | 3,000. | 1,500.0 |
| Hudson County Motors | 73715 | 0 | 00 | 0 |
| | | 1,000.0 | | |
| Greenfield Dodge | 73709 | 0 | | 500.00 |
| | | 1,500.0 | | |
| Fleetsource LLC | 76447 | 0 | | 500.00 |
| | | 2,000.0 | | |
| Normans Auto Services | 77926 | 0 | | 500.00 |
| | | | - | |
| | 71687, | 40,000. | 3,000. | |
| Edwards Tire Co Inc. | 71688 | 00 | 00 | 0.00 |
| | | 1,000.0 | | 1,000.0 |
| Jim Curley Auto Parts | 73699 | 0 | | 0 |
| | | 10,000. | | |
| Craft Oil | 70844 | 00 | | 0.00 |
| Capitol Supply Inc | | | | 1,000.0 |
| (Bridge Auto Supply) | 80071 | 0.00 | | 0 |
| | 73514, | | | |
| | 69728, | | | |
| | 74177, | | | 1,000.0 |
| Norcia Corp | 73713 | 0.00 | | 0 |
| Harter Equipment Inc. | 76919 | 0.00 | | 500.00 |
| | | | | 1,000.0 |
| Trius Inc. | 74175 | 0.00 | | 0 |
| Storr Tractor Company | 76921 | 0.00 | | 500.00 |
| | | | | 1,000.0 |
| Foley Incorporated | 69705 | 0.00 | | 0 |
| | | 85,500. | | 20,500. |
| | | 00 | 0.00 | 00 |

WHEREAS, pursuant to N.J.S.A. 40A:11-12, a municipality may, without advertising for bids, purchase goods under any contract for such goods entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey for the Department of Public Works to obtain AUTO AND TRUCK PARTS, GROUNDS MAINTENANCE EQUIPMENT PARTS, ROAD EQUIPMENT PARTS, AND HEAVY EQUIPMENT PARTS AND SUPPLIES under various State contracts in order to maintain the Township vehicle fleet; and

WHEREAS, funds are available and have been certified by the Chief Financial Officer in Account 2-01-121-252 in the amount of \$20,500.00 for this purpose; and

WHEREAS, the Township Council desires to approve the purchase of said auto and truck parts and supplies;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase AUTO AND TRUCK PARTS, GROUNDS MAINTENANCE EQUIPMENT PARTS, ROAD EQUIPMENT PARTS, AND HEAVY EQUIPMENT PARTS AND SUPPLIES from the vendors and under the State Contracts identified above in an amount not to exceed \$20,500.00; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Business Administrator
- b. Township Director of Public Works
- c. Township Chief Financial Officer

RESOLUTION # 2012-316

RESOLUTION AUTHORIZING AWARD OF CONTRACTS TO VARIOUS
VENDORS FOR PURCHASE OF AUTO, TRUCK AND HEAVY EQUIPMENT
PARTS AND SUPPLIES FOR THE DEPARTMENT OF PUBLIC WORKS
DIVISION OF VEHICLE THROUGH BIDS OBTAINED BY THE
MONMOUTH COUNTY COOPERATIVE PURCHASING PROGRAM

WHEREAS, the Township is authorized to purchase auto, truck and heavy equipment parts and supplies from bids obtained from a cooperative pricing system such as the Monmouth County Cooperative Purchasing Program pursuant to the authority provided by N.J.S.A. 40A:11-11(6); and

WHEREAS, the Monmouth County Cooperative Purchasing Program conducted a public bidding process and awarded contracts to Freehold Ford, Freehold Dodge, Edwards Tire Company, Inc. and Jesco, Incorporated for the provision of auto, truck and heavy equipment parts and supplies; and

WHEREAS, the Public Works Department has indicated that Freehold Ford, Freehold Dodge, Edwards Tire Company, Inc. and Jesco, Incorporated have agreed to extend the pricing provided to Monmouth County to Marlboro Township through the Monmouth County Cooperative Purchasing Program; and

WHEREAS, the Township Council previously granted authorization to utilize vendors approved under the Monmouth County Cooperative Purchasing Program pursuant to R.2012-69; and

WHEREAS, the Township of Department of Public Works Division of Vehicle Maintenance is in need of additional auto and truck parts and supplies in order to maintain the Township vehicle fleet for the remainder of 2012; and

WHEREAS, at this time, the Public Works Department has recommended the award of contracts as follows:

| Vendor ID | State Contract ID | Original | Proposed Amend |
|-----------------------------|-------------------------|----------|-------------------|
| Freehold Dodge | F-24- 2012 | 1,000.00 | 750.00 |
| Freehold Ford | F-23- 2012 | 8,000.00 | 3,000.00 |
| Edwards Tire Company Inc | F-49- 2012 | 0.00 | 2,000.00 |
| Jesco, Incorporated | F-41- 2012 | 0.00 | 500.00 |
| | | 9,000.00 | 6,250.00 |

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey for the Department of Public Works to obtain auto, truck and heavy equipment parts and supplies under the Monmouth County Cooperative Purchasing Program in order to maintain the Township vehicle fleet; and

WHEREAS, funds are available and have been certified by the Chief Financial Officer in Account 2-01- -121-252 in the amount of \$6,250.00 for this purpose; and

WHEREAS, the Township Council desires to approve the purchase of said auto, truck and heavy equipment parts and supplies;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase auto and truck parts and supplies from Freehold Dodge, Freehold Ford, Edwards Tire Co Inc and Jesco, Incorporated pursuant to the bid obtained by the Monmouth County Cooperative Purchasing Program, for a total amount not to exceed \$6,250.00; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Township Administration
- b. Township Director of Public Works
- c. Township Chief Financial Officer

RESOLUTION # 2012-317

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Highway Safety Fund project.

NOW, THEREFORE, BE IT RESOLVED that Council of Marlboro formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as FY 2012 Highway Safety Fund Safe Corridors Act the New Jersey Department of Transportation on behalf of The Township of Marlboro.

BE IT FURTHER RESOLVED that Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Marlboro and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

RESOLUTION # 2012-318

RESOLUTION REQUESTING APPROVAL OF ITEMS OF
REVENUE AND APPROPRIATION (N.J.S.A. 40A:4-87)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

Section 1

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro, in the County of Monmouth, New Jersey, hereby requests the Director of Local Government Services to

approve the insertion of an revenue in the budget of the year 2012 in the sum of \$3,000.00, which has been received by the municipality for the "2012 Sustainable Land Use Planning Grant".

Section 2

BE IT FURTHER RESOLVED that the amount of \$3,000.00 be hereby appropriated under the caption "2012 Sustainable Land Use Planning Grant".

RESOLUTION # 2012-319

A RESOLUTION AUTHORIZING CONTRACT WITH AURORA ENVIRONMENTAL, INC FOR THE PURCHASE, REPLACEMENT AND INSTALLATION OF A FUEL DISPENSING AND MANAGEMENT SYSTEM FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS UNDER NJ STATE CONTRACT #75554

WHEREAS, the Marlboro Township fuel dispensing and management system ("fuel system") is used to fuel Township, Board of Education, First Aid and Fire District vehicles throughout the Township; and

WHEREAS, on June 25, 2012 the system was disrupted by a lightning strike causing damage to the fueling station which resulted an insurance claim to the Monmouth Joint Insurance Fund; and

WHEREAS, the supply of fuel for all Township, Board of Education, First Aid and Fire District vehicles was disrupted for a week; and

WHEREAS, the fuel system is currently operating in 'manual' mode and requires minimum of an additional \$5,958.00 of work to function at its pre-storm level plus a substantial amount of contract electrical work to replace outdated and faulty wiring; and

WHEREAS, the fuel system is more than 25 years old and the Township is experiencing more frequent unforeseen repair costs and disruptions to service; and

WHEREAS, the Marlboro Board of Education has agreed to contribute towards the cost of replacing the fuel system; and

WHEREAS, pursuant to N.J.S.A. 40A:11-12, a municipality may, without advertising for bids, purchase goods under any contract for such goods entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, the Public Works Department has reviewed the information received and has recommended that AURORA ENVIRONMENTAL, INC be awarded the contract based upon the quotation received; and

WHEREAS, funds are available the in Account Number C-04-11-002-943 and have been certified to by the Chief Financial Officer of the Township of Marlboro.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to contract with AURORA ENVIRONMENTAL, INC whose address is 1102 UNION AVENUE, NJ 07735 for the provision of PURCHASE, REPLACEMENT AND INSTALLATION OF A FUEL DISPENSING AND MANAGEMENT SYSTEM under NJ State Contract 75554 in an amount not to exceed \$52,504.00; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Aurora Environmental, Inc
- b. Business Administrator
- c. Township Department of Public Works
- d. Township Chief Financial Officer

RESOLUTION # 2012-320

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$10,213.52 as per Schedule "A",

WHEREAS, the holders of the above-mentioned tax sale certificates are entitled to the amount of the sale plus interest and costs,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the amount of \$ 10,213.52 be refunded to the certificate holders as per Schedule "A",

SCHEDULE "A"

| <u>LIEN NO</u> | <u>BLOCK/LOT</u> | <u>LIENHOLDER</u> | <u>AMOUNT</u> |
|--------------------|------------------|-----------------------------------|---------------|
| 2012-018 | 119.02/7 | Ridgeback Ventures | \$1,435.00 |
| 14 Bernadette Road | | P.O. Box 503 | |
| | | Mount Freedom, NJ 07970 | |
| | | Assessed Owners: | |
| | | Schirloff Bryan & Donna | |
| 2012-071 | 225/80 | Inna or Jack Gelin | \$1,790.69 |
| 12 Liberty Road | | 1662 East 24 th Street | |

Brooklyn, NY 11229
Assessed Owner:
Gorenstein, Scott & Jane

| <u>LIEN NO</u> | <u>BLOCK/LOT</u> | <u>LIENHOLDER</u> | <u>AMOUNT</u> |
|----------------------|------------------|---|---------------|
| 2012-075 | 253/8 | Actlien Holding Inc. | \$845.79 |
| 45 Truman Drive | | 10 Westminster Road Rockville Centre, NY 11570 Assessed Owner: Risitano, John | |
| 2012-078 | 262/14 | Inna or Jack Gelin | \$1,324.72 |
| 3 Bruce Road | | 1662 East 24 th Street Brooklyn, NY 11229 Assessed Owner: Zamkoff, Milton & Loretta | |
| 2012-102 | 358/1.14 | Actlien Holding Inc. | \$1,205.27 |
| 42 Witherspoon Way | | 10 Westminster Road Rockville Centre, NY 11570 Assessed Owner: Bolton, Diana | |
| 2012-004 | 105/3 | Actlien Holding Inc. | \$1,010.17 |
| 14 Thomas Lane | | 10 Westminster Road Rockville Centre, NY 11570 Assessed Owner: English, Alice | |
| 2012-042 | 173/7/C0340 | Nasdom, LLC | \$976.34 |
| 340 Mayfair Place | | 1527 E. 35 Street Brooklyn, NY 11234 Assessed Owner: Valenti, Jason P. | |
| 2012-091 | 300/79 | Inna or Jack Gelin | \$966.19 |
| 239 Yellowknife Road | | 1662 East 24 th Street Brooklyn, NY 11229 Assessed Owner: Hale, Mary Lee | |
| 2012-045 | 176/7/C0713 | Josef Hoffman | \$659.35 |
| 713 Snowdrop Court | | 326 Shady Lane Trenton, NJ 18619 Assessed Owner: Sapienza, Josephine | |

Total: \$10,213.52

RESOLUTION # 2012-321

WHEREAS, the Monmouth County Board of Taxation has granted a judgment for the 2011 Added Assessment in the amount of \$68,768.79 on Block 214.07 Lot 61.01, located at 37 Vanderburg Road, assessed to Monmouth Worship Center Assemblies of God,

WHEREAS, taxes for the year 2011 have been paid in full on the above-mentioned block & lot,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$68,768.79 to Monmouth Worship Center Assemblies of God.

RESOLUTION # 2012-322

RESOLUTION AUTHORIZING THE TAX COLLECTOR OF THE TOWNSHIP
OF MARLBORO TO ENTER INTO AN INSTALLMENT PAYMENT AGREEMENT
FOR THE COLLECTION/PAYMENT OF DELINQUENT WATER SERVICE CHARGES

WHEREAS, the provisions of N.J.S.A. 40A:31-12 empower the governing body of a local municipal unit to authorize the payment and liquidation of delinquent water service charges on an installment basis in accordance with the provisions of N.J.S.A. 54:5-19; and

WHEREAS, the provisions of N.J.S.A. 54:5-19 authorize installment payment agreements to be entered into between a municipal tax collector and the owner or owners of real property for the payment of property tax arrears and other charges that would constitute a lien against real property, including delinquent water service charges, provided that any such agreement is authorized by a general or special resolution, duly adopted by the municipal governing body, and provided, further, that the terms of any such agreement comply with the requirements and limitations set forth in N.J.S.A. 54:5-19; and

WHEREAS, ROBERT & TINA MAGID, the owners of 39 Sudbury Road, which is designated as Block 267, Lot 30, on the Official Tax Map of the Township of Marlboro (hereinafter referred to as "Customer"), is a customer of the Marlboro Township Water Utility Division, receiving water service under Account Number B04753 and Account ID Number 10591; and

WHEREAS, Customer has an Account balance of \$808.14 exclusive of accrued interest), which is attributable to water service for the quarterly period ended July 31, 2012, and which is due for payment by August 31, 2012; and

WHEREAS, Customer has asserted a financial hardship with respect to the payment of the aforementioned past due water charges and has made a request for an installment payment plan in order to retire and fully pay said obligation; and

WHEREAS, Kelly A. Hahn, the Marlboro Township Tax Collector has requested approval from the Township Council of the Township of Marlboro to enter into an installment payment agreement with Customer and has presented a proposed form of agreement to the Township Council for review and consideration; and

WHEREAS, the aforesaid installment payment agreement, a copy of which is attached hereto as Exhibit A, complies with the provisions of N.J.S.A. 54:5-19, in that the agreement makes adequate provision for:

- The complete payment of all arrearages within the maximum period of time specified in the statute;
- The accrual, assessment, and payment of all statutory interest, as well as all administrative and delinquent charges, to which the Township of Marlboro is entitled;
- The prompt payment of all installments of arrears, as well as the prompt payment of future water service charges as same become due and owing;
- The termination of the installment payment arrangement in the event of any default by the Customer in complying with the terms of the agreement, including failure to remit all payments promptly, in which event the lien for outstanding water service charges shall be enforced as provided by law; and
- The right and entitlement of the Township of Marlboro to pursue all statutory and lawful remedies against the Customer in the event of a default, including, without limitation, the discontinuance of water service to the Customer's real property; and

WHEREAS, the Township of Marlboro wishes to acknowledge and accept the Customer's declaration of financial hardship, with the goal of collecting 100% of the amount due and owing to the Township in a reasonable, practical, and efficient manner;

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Marlboro that authorization is hereby given to Kelly A. Hahn, the Tax Collector of Marlboro Township, to enter into an installment payment agreement with Customer for the payment of past due water service charges totaling \$808.14 (exclusive of accrued interest), with the form of the agreement being substantially similar to that attached hereto and made a part hereof as Exhibit A; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to each of the following:

- a. Jonathan A. Capp, Business Administrator
- b. Kelly A. Hahn, Tax Collector
- c. Robert & Tina Magid (Customer)

RESOLUTION # 2012-323

RESOLUTION AUTHORIZING THE TAX COLLECTOR OF THE TOWNSHIP
OF MARLBORO TO ENTER INTO AN INSTALLMENT PAYMENT AGREEMENT
FOR THE COLLECTION/PAYMENT OF DELINQUENT WATER SERVICE CHARGES

WHEREAS, the provisions of N.J.S.A. 40A:31-12 empower the governing body of a local municipal unit to authorize the payment and liquidation of delinquent water service charges on an installment basis in accordance with the provisions of N.J.S.A. 54:5-19; and

WHEREAS, the provisions of N.J.S.A. 54:5-19 authorize installment payment agreements to be entered into between a municipal tax collector and the owner or owners of real property for the payment of property tax arrears and other charges that would constitute a lien against real property, including delinquent water service charges, provided that any such agreement is authorized by a general or special resolution, duly adopted by the municipal governing body, and provided, further, that the terms of any such agreement comply with the requirements and limitations set forth in N.J.S.A. 54:5-19; and

WHEREAS, KAHIL & MAGDA MITWALLY, the owners of 27 Harbor Road, which is designated as Block 170, Lot 26, on the Official Tax Map of the Township of Marlboro (hereinafter referred to as "Customer"), is a customer of the Marlboro Township Water Utility Division, receiving water service under Account Number D00516 and Account ID Number 20423; and

WHEREAS, Customer has an Account balance of \$924.86 (exclusive of accrued interest), which is attributable to water

service for the quarterly period ended June 30, 2012, and which was due for payment by July 31, 2012; and

WHEREAS, Customer has asserted a financial hardship with respect to the payment of the aforementioned past due water charges and has made a request for an installment payment plan in order to retire and fully pay said obligation; and

WHEREAS, Kelly A. Hahn, the Marlboro Township Tax Collector has requested approval from the Township Council of the Township of Marlboro to enter into an installment payment agreement with Customer and has presented a proposed form of agreement to the Township Council for review and consideration; and

WHEREAS, the aforesaid installment payment agreement, a copy of which is attached hereto as Exhibit A, complies with the provisions of N.J.S.A. 54:5-19, in that the agreement makes adequate provision for:

- The complete payment of all arrearages within the maximum period of time specified in the statute;
- The accrual, assessment, and payment of all statutory interest, as well as all administrative and delinquent charges, to which the Township of Marlboro is entitled;
- The prompt payment of all installments of arrears, as well as the prompt payment of future water service charges as same become due and owing;
- The termination of the installment payment arrangement in the event of any default by the Customer in complying with the terms of the agreement, including failure to remit all payments promptly, in which event the lien for outstanding water service charges shall be enforced as provided by law; and
- The right and entitlement of the Township of Marlboro to pursue all statutory and lawful remedies against the Customer in the event of a default, including, without limitation, the discontinuance of water service to the Customer's real property; and

WHEREAS, the Township of Marlboro wishes to acknowledge and accept the Customer's declaration of financial hardship, with the goal of collecting 100% of the amount due and owing to the Township in a reasonable, practical, and efficient manner;

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Marlboro that authorization is hereby given to Kelly A. Hahn, the Tax Collector of Marlboro Township, to enter into an

installment payment agreement with Customer for the payment of past due water service charges totaling \$808.14 (exclusive of accrued interest), with the form of the agreement being substantially similar to that attached hereto and made a part hereof as Exhibit A; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to each of the following:

- a. Jonathan A. Capp, Business Administrator
- b. Kelly A. Hahn, Tax Collector
- c. Kahil & Magda Mitwally (Customer)

At 7:50 PM, Council Vice President Metzger moved that the meeting go into executive session for reason of discussing litigation. This was seconded by Councilman LaRocca, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 2012-324

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 6th day of September, 2012 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, namely litigation.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned items and that such executive session should take approximately 15 - 20 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required. Action may be taken following the executive session.

At 8:20 PM, Councilwoman Marder moved that the meeting be opened. This was seconded by Council Vice President Metzger and passed on a roll call vote of 5 - 0 in favor.

The following Resolution #2012-325 (Settlement of Tax Appeal for Shurgard Storage Center - B 176, Lots 25 & 26) was introduced by reference, offered by Councilwoman Marder, seconded by Councilwoman Mazzola and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-325

RESOLUTION AUTHORIZING SETTLEMENT OF A TAX APPEAL
FOR THE PROPERTY LOCATED AT 363 A ROUTE 9, ALSO KNOWN
AS BLOCK 176 LOTS 25 & 26, TOWNSHIP OF MARLBORO,
MONMOUTH COUNTY, NEW JERSEY

WHEREAS, Shurgard Storage Centers, Inc. owner of certain real property located at 363 A Route 9, also known as Block 176 Lots 25 & 26, Township of Marlboro, Monmouth County, New Jersey; and

WHEREAS, the Owner has filed 2010, 2011, & 2012 appeals to the Tax Court of New Jersey for said property for the years of 2010, 2011, & 2012; and

WHEREAS, the parties have engaged in settlement negotiations, and

WHEREAS, as a result of those settlement negotiations, a settlement has been reached between the owner and the municipality wherein Shurgard Storage Centers, Inc. has agreed to withdraw the 2010 & 2011 Tax Court appeals and has agreed to a reduction for the 2012 Tax appeal from 5,896,200 of assessed value to 4,719,400 of assessed value resulting in a refund of \$24,289.15; and

WHEREAS, the 2012 docket number for the 2012 tax appeal shall be settled and a stipulation of settlement with be delivered to the Tax Court of New Jersey and a judgment shall be entered in accordance herewith; and

WHEREAS, the Tax Counsel and the Tax Assessor have recommended the terms of this settlement to the Mayor and Town Council of Marlboro; and

WHEREAS, the Town Council of the Township of Marlboro is of the opinion that this settlement is in the best interests of the Township of Marlboro.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Township of Marlboro, County of Monmouth, State of New Jersey, being the governing body thereof, that the settlement in this matter as set forth herein above be and is hereby approved and the Tax Counsel, Salvatore Alfieri, Esq., is hereby authorized and directed to effect said settlement.

At 8:22 PM, Councilwoman Marder moved that the meeting be adjourned. This was seconded by Councilwoman Mazzola, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: October 18, 2012

OFFERED BY: Marder AYES: 5

SECONDED BY: Mazzola NAYS: 0

ALIDA MANCO,
MUNICIPAL CLERK

JEFF CANTOR,
COUNCIL PRESIDENT